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10 *Attorneys for Defendant T-Mobile USA, Inc.*
11 *d/b/a Metro by T-Mobile*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**
15

16 JOHN PACHIVAS,

17 Plaintiff,

18 vs.
19

20 T-MOBILE USA, INC. and DOES 1-10,
inclusive,

21 Defendants.
22

Case No. 4:22-cv-02995-HSG

**STIPULATION AND ORDER
REGARDING CASE
MANAGEMENT CONFERENCE
SCHEDULING**

Action Filed: March 18, 2022

1 Pursuant to Local Rule 6-2 and 7-12, Plaintiff John Pachivas and Defendant T-Mobile
2 USA, Inc. hereby stipulate as follows.

3 A. On March 18, 2022, Mr. Pachivas filed an action in the Superior Court of the State
4 of California in and for the County of Santa Clara (ECF No. 1-1);

5 B. T-Mobile filed a Notice of Removal of the state court action on May 20, 2022,
6 (ECF No. 1), and the parties have agreed to an effective service date of Defendant's Notice of
7 Removal of June 1, 2022, for any responsive documents to T-Mobile's removal due to an
8 inadvertent service mistake for the removal papers;

9 C. On May 27, 2022, T-Mobile filed a Motion to Compel Arbitration (ECF No. 3) and
10 set the motion for hearing on July 5, 2022;

11 D. The Court set the initial case management conference for August 23, 2022, at
12 9:30 a.m. (ECF No. 4);

13 E. Plaintiff's counsel was unavailable to attend the hearing set for July 5, 2022, and
14 the parties agreed to file a stipulation to continue the hearing (ECF No. 7);

15 F. The Court granted the parties' stipulation and set the hearing for August 9, 2022
16 (ECF No. 8);

17 G. On June 29, 2022, the Court's Reassignment Order vacated all law and motion
18 hearing dates and ordered the parties to re-notice any hearing dates (ECF No. 10);

19 H. The Court set the case management conference for September 13, 2022, at
20 2:00 p.m. (ECF No. 13);

21 I. The parties agreed to a new hearing date and Defendant's counsel re-noticed the
22 hearing for November 3, 2022 (ECF No. 15);

23 J. The Court re-set the hearing for November 3, 2022;

24 K. The parties further agreed to modify the briefing schedule and continue the case
25 management conference from September 13, 2022, at 2:00 p.m. to December 13, 2022, at 2:00
26 p.m., as set forth in the pending Stipulation and Proposed Order filed on July 14, 2022 (ECF No.
27 16); and
28

1 L. The Court set a case management conference for July 19, 2022, at 2:00 p.m. (ECF
2 No. 17), however, counsel for plaintiff is unavailable to appear.

3
4 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties that the
5 initial case management conference set for July 19, 2022, at 2:00 p.m. shall be continued until
6 July 26, 2022, at 2:00 p.m.

7
8 Dated: July 18, 2022

DINCEL LAW GROUP APC

9 By: /s/ Kim O. Dincel
10 Kim O. Dincel

11 *Attorneys for Plaintiff*
12 *John Pachivas*

13 Dated: July 18, 2022

DAVIS WRIGHT TREMAINE LLP

14 By: /s/ James H. Moon
15 James H. Moon

16 *Attorneys for Defendant*
17 *T-Mobile USA, Inc. d/b/a Metro by T-Mobile*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/19/2022


Hon. Haywood Gilliam, Jr.